

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
RICHARD MEJIA, Individually, and On  
Behalf of All Others Similarly Situated,  
:

Plaintiff, :

-against- :

PEAK PERFORMANCE BAT CLUB LLC, :

Defendant. :

22-CV-5218 (VSB)

**ORDER**

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VERNON S. BRODERICK, United States District Judge:

Plaintiff filed this action on June 21, 2022, (Doc. 1), and Defendant filed a Notice of Appearance on July 20, 2022, (Doc. 5.) On July 29, 2022, I granted the parties' joint stipulation directing the Plaintiff to file an amended complaint by August 18, 2022, and the Defendant to file a response by September 19, 2022. (Doc. 9.) On August 18, 2022, Plaintiff filed his amended complaint. (Doc. 10.) To date, Defendant has not responded to the amended complaint. Plaintiff, however, has taken no action to prosecute this case. Accordingly, if Plaintiff intends to seek a default judgment, he is directed to do so in accordance with Rule 4(H) of my Individual Rules and Practices in Civil Cases by no later than September 30, 2022. If Plaintiff fails to do so or otherwise demonstrate that he intends to prosecute this litigation, I may dismiss this case for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

SO ORDERED.

Dated: September 22, 2022  
New York, New York



VERNON S. BRODERICK  
United States District Judge